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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,047	08/22/2001	Barry M. Epstein		7788

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Terry M. Gernstein
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EXAMINER

NGUYEN, DANNY

ART UNIT PAPER NUMBER

2836

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/934,047

Applicant(s)

EPSTEIN, BARRY M.

Examiner

Danny Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 50 and 51 is/are allowed.
- 6) ☒ Claim(s) 1-49 and 52-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 17, 19, 34, 42, 47, 48, 59, 64, 67-70 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis, Jr. et al (USPN 4,654,746).

Regarding claim 47, Lewis discloses a system for protecting a person (see fig. 2) from electrostatic discharge (ESD) comprises a computer keyboard (20), an electrostatic discharge conducting contact element (22) which is adapted to be repeatedly contacted by a person (12) while the person is working on a work task; a control circuit electrically connected to the contact element, and the control circuit including a first resistor element (24a); a ground circuit (26) electrically associated with the control circuit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 7, 8, 10-16, 17, 18, 19, 22-26, 42-46, 48,49, 52-54, 56-60, 64-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, Jr. et al. (USPN 4,654,746, hereinafter Lewis) in view of Aslan et al (USPN 5,610,526).

Regarding to claims 1-6, 10, 15, 22-25, 52-54, 56-60, 64-80. Lewis discloses a system for protecting a person (see fig. 2) from electrostatic discharge (ESD) comprises an electrostatic discharge conducting contact element (22) which is adapted to be repeatedly contacted by a person (12) while the person is working on a work task; a control circuit electrically connected to the contact element, and the control circuit including a first resistor element (24a); a ground circuit (26) electrically associated with the control circuit. Lewis does not disclose an inductor in series with the contact element. Aslan et al disclose an electrostatic protection comprises an inductor (e.g. L1 shown in fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Lewis with an inductor as taught by Aslan et al in order to protect human being against RF shock.

Regarding to claims 19, 23, Lewis discloses a system for protecting a person (see fig. 2) from electrostatic discharge (ESD) comprises an electrostatic discharge conducting contact element (22) which is in time-extended contact with a person (12) who is to be protected from electrostatic discharge when in use; a control circuit electrically connected to the contact element, and the control circuit including a first resistor element (24a) in series with the contact element and having a resistance in

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excess of five megohm (see col. 6, lines 16-19); a ground circuit (26) electrically associated with the control circuit. Lewis does not disclose an inductor. Aslan et al disclose an electrostatic protection comprises an inductor (e.g. L1 shown in fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Lewis with an inductor as taught by Aslan et al in order to protect human being against RF shock.

Regarding to claims 42-46, 48, 49, Lewis discloses a system for protecting a person (see fig. 2) from electrostatic discharge (ESD) comprises a user contacting device (keyboard 20) having a plurality of user contacting locations; an electrostatic discharge conducting contact element (space bar key, enter key, shift key...) at each user contacting location of the plurality of user contacting locations and which contact a user in a time extended manner when in use; a control circuit electrically connected to each of the contact element (such as space bar key which has the same structure as protective device 10) and including a first resistor having resistance that is sized to upon initial contact between the user and the contact element drain some, but not all, electrostatic discharge form the contact element; and a ground circuit (26) electrically associated with the control circuit. Lewis does not disclose an inductor. Lewis does not disclose an inductor in series with the contact element. Aslan et al disclose an electrostatic protection comprises an inductor (e.g. L1 shown in fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Lewis with an inductor as taught by Aslan et al in order to protect human being against RF shock.

Regarding to claims 7, 14, 18, 26, 77, Lewis discloses the control circuit includes a second resistor (24b), and the resistor has a value of at least one megohm, and the first resistor has a value approximately five and sixty megohm (see col. 6, lines 16-19).

Regarding to claim 8, Lewis discloses a capacitor (see col. 4, lines 6-8).

Regarding to claims 11, 61-63, Lewis discloses the time extended contact is greater than 100 milliseconds (see col. 8, lines 61-68).

Regarding to claims 12, 13 Lewis discloses a user (12) contact element.

Regarding to claim 16, Lewis discloses a conductor electrically connecting the contact element (22) to the ground circuit (26) (see fig. 2).

Regarding to claim 26, Lewis discloses the control circuit includes a second resistor (24b), and the resistor has a value of at least one megohm (see col. 6, lines 16-19).

4. Claims 34-41 are rejected under 35 U.S.C. 103(b) as being anticipated by Dangelmayer et al (USPN 5,691,875) in view of Aslan et al. Dangelmayer et al disclose electrostatic protection (see fig. 4-6) comprises a headphone device (100), discharge conducting contact element (130); a control circuit including a first resistor element (resistance element 150) in series with the contact element, a ground circuit (see col. 5, lines 28-32). Dangelmayer et al do not disclose an inductor. Aslan et al disclose an electrostatic protection comprises an inductor (e.g. L1 shown in fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Lewis with an inductor as taught by Aslan et al in order to protect human being against RF shock.

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5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, Jr. et al. (hereinafter Lewis) and Aslan et al and further in view of Esper (USPN 4,766,903). Lewis discloses all limitations of claim 1 except for having a transistor. Esper discloses a transistor (1). It would have been obvious to one having skill in the art at the time the invention was made to modify the system of Lewis and Aslan with a transistor as taught by Esper in order to detect voltage or charge carriers on the body of a human.

6. Claims 20, 21, 27- 33, 55, 75, 76, 81, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, Jr. et al. (hereinafter Lewis) in view of Aslan et al, and further in view of Johnson (USPN 4,717,349). Lewis and Aslan et al disclose all limitations of claim 1 except for having an electrical plug as claimed. Johnson discloses a three prong electrical plug (50), which includes a ground prong, hot prong neutral prong, and female receptacles (see fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lewis and Aslan et al with an electrical plug as taught by Johnson in order to shunt static interference to the ground.

Allowable Subject Matter

7. Claims 50-51 are allowed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (703)-305-5988. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703)-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9318 for regular communications and (703)-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

DN

DN

December 24, 2003

Stephen W. Jackson
12-29-03

STEPHEN W. JACKSON
PRIMARY EXAMINER